

Applicant: Charles V. Fernandez  
Serial No.: 10/681848  
Filed: 10/08/03  
Docket No. 200300442-1  
Title: Ink/Toner Cartridge Compensation For Uneven Ink/Toner Usage

### Remarks

#### Amendments to the Claims

The claims have been amended, as indicated above. The amendments to the indicated claims has been presented in accordance with the proposed revisions to 37 C.F.R. §1.121 as set forth in 1267 OG 106 (25 February 2003). No new matter has been introduced through the amending of the claims.

#### Claim Objections

Claims 7 and 13 are objected to because they do not meet the necessary steps of the method claim. Claims 7 and 13 have been amended so that they do meet the necessary method steps. Therefore, the Applicant request that the Examiner reconsider and withdraw the objection.

#### Rejection of Claims under 35 U.S.C § 112

Claims 16-18 are rejected under 35 U.S.C. § 112, first paragraph. Claims 16-18 have been cancelled. Therefore, the Applicant requests that the Examiner reconsider and withdraw the rejection.

Claims 1-22 are rejected under 35 U.S.C. § 112, second paragraph. With respect to claims 4 and 10, claims 4 and 10 have been amended to alleviate the problems associated with the "compensating step." The Examiner is also invited to review claims 4 and 13, respectively for further clarification regarding the

Applicant: Charles V. Fernandez  
Serial No.: 10/681848  
Filed: 10/08/03  
Docket No. 200300442-1  
Title: Ink/Toner Cartridge Compensation For Uneven Ink/Toner Usage

compensation step. With respect to claims 5-7, 11-13, and 19, these claims have been amended to provide proper antecedent basis. With respect to claims 7 and 13, the Applicant traverses this rejection. Claims 7 and 13 clearly recite that the user compensates for the depleted color by adjusting a slider, clicking an OK button, clicking on a print sample button to print out a sample of the adjusted color, and determining if the compensated/adjusted color is acceptable. The Applicant contends that one skilled in the art would be able to easily understand this process and would be able to determine if the compensated/adjusted color is acceptable by many well known techniques such as, for example, by merely looking at the sample. With respect to claims 8, 9, 14, 15, 20 and 21, the Applicant contends that one skilled in the art would understand what is meant by "clicking" on the various buttons in that to "click" means to press or select that button, as discussed with respect to Fig. 5 of the present invention. With respect to claims 16-18, these claims have been cancelled. With respect to claim 22, this claim has been amended to alleviate an obvious informality. Therefore, the Applicant requests the Examiner reconsider and withdraw the rejection.

Rejection of Claims under 35 U.S.C § 102

Claims 1, 3-6, 10-12, 16-18 and 22 are rejected under 35 U.S.C §102 (b) as being anticipated by Wetchler et al. The Applicant respectfully traverses this rejection.

Claim 1 presently recites an ink/toner cartridge compensation system for uneven ink/toner usage, comprising: a first ink/toner cartridge including a plurality of ink/toner colors; a printer driver operatively connected to said first cartridge; a

Applicant: Charles V. Fernandez  
Serial No.: 10/681848  
Filed: 10/08/03  
Docket No. 200300442-1  
Title: Ink/Toner Cartridge Compensation For Uneven Ink/Toner Usage

memory device operatively connected to said printer driver for recording ink/toner usage of a previously used cartridge; and a display device operatively connected to said printer driver to allow a user to determine which color was depleted first in said previously used cartridge and to compensate for an uneven usage of that color in said first cartridge. While Wetchler et al. discloses a method and apparatus for balancing colorant usage, this reference does not teach, suggest, or even appreciate a memory device operatively connected to said printer driver for recording ink/toner usage of a previously used cartridge and a display device operatively connected to said printer driver to allow a user to determine which color was depleted first in said previously used cartridge and to compensate for an uneven usage of that color in said first cartridge. In fact, Wetchler et al. is silent with respect to monitoring the usage of the previous cartridge in order to compensate for the uneven usage in the current cartridge.

With respect to dependent claim 3, due to the fact that this claim is dependent upon independent claim 1, the Applicant contends that this dependent claim is also allowable over the art of record.

With respect to claim 4, claim 4 presently recites a method for ink/toner cartridge compensation, comprising the steps of: inserting a new ink/toner container/supply into a printing system; allowing a printer driver to recognize said new ink/toner container; requesting if said user remembers which color was first depleted in a previously installed cartridge; allowing said user to determine a cartridge history of said previously installed cartridge; having said user determine if said user wants to compensate for said ink/toner color that is depleted; and if said user decides to compensate for said ink/toner color that is depleted,

Applicant: Charles V. Fernandez  
Serial No.: 10/681848  
Filed: 10/08/03  
Docket No. 200300442-1  
Title: Ink/Toner Cartridge Compensation For Uneven Ink/Toner Usage

compensating for that color. As discussed above, while Wetchler et al. discloses a method and apparatus for balancing colorant usage, this reference does not teach, suggest, or even appreciate a memory device operatively connected to said printer driver for recording ink/toner usage of a previously used cartridge and a display device operatively connected to said printer driver to allow a user to determine which color was depleted first in said previously used cartridge and to compensate for an uneven usage of that color in said first cartridge. In fact, Wetchler et al. is silent with respect to monitoring the usage of the previous cartridge in order to compensate for the uneven usage in the current cartridge.

With respect to dependent claims 5 and 6, due to the fact that these claims are dependent upon independent claim 4, the Applicant contends that these dependent claims are also allowable over the art of record.

With respect to claim 10, claim 14 has been added to claim 10, as suggested by the examiner.

With respect to dependent claims 11 and 12, due to the fact that these claims are dependent upon independent claim 10, the Applicant contends that these dependent claims are also allowable over the art of record.

With respect to claim 16-18, these claims have been cancelled.

Applicant: Charles V. Fernandez  
Serial No.: 10/681848  
Filed: 10/08/03  
Docket No. 200300442-1  
Title: Ink/Toner Cartridge Compensation For Uneven Ink/Toner Usage

With respect to claim 22, claim 22 presently recites a system for ink/toner cartridge compensation, comprising: a first ink/toner cartridge means having a plurality of ink/toner colors; a printer driver means operatively connected to said first cartridge means; a memory means operatively connected to the printer driver for recording ink/toner usage of a previously used cartridge; and a means for displaying information to a user to allow said a user to determine which color was depleted first or is running low in said previously used cartridge and to compensate for an uneven usage of that color in said first cartridge. As discussed above, while Wetchler et al. discloses a method and apparatus for balancing colorant usage, this reference does not teach, suggest, or even appreciate a memory device operatively connected to said printer driver for recording ink/toner usage of a previously used cartridge and a display device operatively connected to said printer driver to allow a user to determine which color was depleted first in said previously used cartridge and to compensate for an uneven usage of that color in said first cartridge. In fact, Wetchler et al. is silent with respect to monitoring the usage of the previous cartridge in order to compensate for the uneven usage in the current cartridge. Therefore, the Applicant requests that the examiner reconsider and withdraw the rejection.

The Applicant gratefully acknowledges the allowance of claims 2, 7-9, 13-15 and 19-21 if re-written to overcome the rejections under 35 U.S.C. § 112, second paragraph. However, the Applicant contends that the independent


Applicant: Charles V. Fernandez  
Serial No.: 10/681848  
Filed: 10/08/03  
Docket No. 200300442-1  
Title: Ink/Toner Cartridge Compensation For Uneven Ink/Toner Usage

claims have been amended to overcome the rejections under 35 U.S.C. § 112,  
second paragraph.

In view of the above, it is respectfully submitted that this case is in  
condition for allowance and now may be passed to issue forth with. A holding to  
this effect is respectfully requested. If, in the opinion of the Examiner, a  
telephonic conference would expedite the examination of this patent application,  
the Examiner is invited to contact the undersigned attorney during normal Pacific  
Time Zone business hours.

Respectfully submitted,  
Charles V. Fernandez

Date: 7/9/05

  
James R. McDaniel  
Reg. No. 34,481  
208.396.4095

Hewlett-Packard Company  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, Colorado 80527-2400

I hereby certify that this paper is being transmitted to the Patent and Trademark  
Office facsimile number 703.872-9306 on July 8, 2005

Number of pages 15

Typed Name: Ann Lygas

Signature: Ann Lygas